

## REMARKS

Claims 59-88 are pending. Claims 59-88 stand rejected. Claims 59, 67, and 77 have been amended. No new matter has been introduced. Reconsideration and allowance of Claims 59-88 is respectfully requested.

### The Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claim 88 under 35 U.S.C. § 112, second paragraph, as being indefinite. According to the Examiner, it is unclear how the applicants are using the term "pitch." Applicants submit that the term "pitch" is clearly defined in the specification on page 26, lines 27-29 as referring to the spatial resolution of the array, that is, the distance between cups in the array. Accordingly, applicants respectfully request withdrawal of this ground of rejection.

### The Rejection of Claims under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 59-66 and 77-88 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,608,493 (Hayafuji) in view of U.S. Patent No. 4,724,324 (Liebert). In addition, the Examiner has rejected Claims 67-76 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,608,493 (Hayafuji) in view of U.S. Patent No. 4,992,742 (Okuda).

Independent Claims 59, 67, and 77, from which Claims 60-66, 68-76, and 78-88, respectively, depend, have been amended to recite that the plurality of Faraday cups has a pitch of less than a millimeter. Support for this amendment can be found in the specification, for example, at page 9, lines 10-11, where the specification states that the "FCDA itself must have a fine pitch, typically less than a millimeter from cup to cup." Applicants respectfully submit that the pending claims, as amended, are not obvious over Hayafuji, Liebert, or Okuda, alone or in combination. None of the cited references disclose or suggest an array of Faraday cups having a

pitch of less than a millimeter. Therefore, the cited references fail to teach, remotely suggest, provide any motivation to make, or otherwise render obvious the claimed invention. Accordingly, applicants respectfully request withdrawal of this ground of rejection.

#### CONCLUSION

In view of the foregoing, applicants believe that Claims 59-88 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



George E. Renzoni, Ph.D.  
Registration No. 37,919  
Direct Dial No. 206.695.1755

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: March 25, 2004

GER:KBB/md

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100